

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OMAR SHARIFF CASH,	:	CIVIL ACTION
<i>Petitioner</i>	:	
	:	
v.	:	
	:	
JOHN E. WETZEL <i>et al.</i>,	:	NO. 16-3758
<i>Respondents</i>	:	

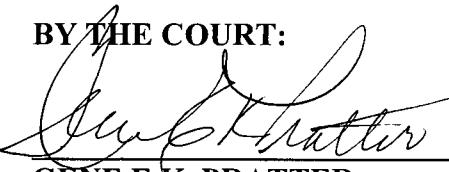
ORDER

AND NOW, this 10th day of March, 2021, upon careful and independent consideration of Petitioner Omar Shariff Cash's Petition for Writ of Habeas Corpus (Doc. No. 1), Respondents' Response in Opposition thereto (Doc. No. 7), Petitioner's Motion for Discovery (Doc. No. 11), Respondents' Response thereto (Doc. No. 13), Magistrate Judge Hart's Order Granting Petitioner's Motion for Discovery (Doc. No. 17), Petitioner's Motion to Compel Production of Documents (Doc. No. 20), the U.S. Department of Homeland Security's Response in Opposition thereto (Doc. No. 22), Petitioner's Reply in Support (Doc. No. 28), Petitioner's First Amended Petition for Writ of Habeas Corpus (Doc. No. 35), Petitioner's Motion to Withdraw Objections to Magistrate Judge Hart's Report and Recommendation (Doc. No. 45), Petitioner's Second Amended Petition for Writ of Habeas Corpus (Doc. No. 54), Respondents' Answer in Opposition to Petitioner's Second Amended Petition for Writ of Habeas Corpus (Doc. No. 55), Petitioner's Response in Support of his Second Amended Petition for Writ of Habeas Corpus (Doc. No. 58), Magistrate Judge Hart's Report and Recommendation (Doc. No. 59), Petitioner's Objections to Magistrate Judge Hart's Report and Recommendation (Doc. No. 65), Respondents' Response in Opposition to Petitioner's Objections (Doc. No. 66), Petitioner's Reply thereto (Doc. No. 69), and Petitioner's Notice of Supplemental Authority (Doc. No. 70), and the state court record, it is

ORDERED that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Second Amended Petition for Writ of Habeas Corpus (Doc. No. 54) is **DISMISSED** with prejudice.
3. There is no probable cause to issue a certificate of appealability.¹
4. The Clerk of the Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

¹ A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When a “plain procedural bar is present and the district court is correct to invoke it to dispose of the case, a reasonable jurist could not conclude either that the district court erred in dismissing the petition or that the petitioner should be allowed to proceed.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Most of Mr. Cash’s claims are procedurally barred, and the remainder do not make a substantial showing of the denial of a constitutional right. Thus, the Court will not issue a certificate here.